

CLEAN WATER COUNCIL

Meeting Highlights

March 14, 2000

Location

N.J. Environmental Infrastructure Trust, 3131 Princeton Pike, Lawrenceville

Attendees

See attached attendance list.

Highlights Summary

Public Hearing Recommendations

1. MTBE
 - Recommend low sulfur gas.
 - Require water companies to test for MTBE and provide a report to their customers and to the state.
 - Develop standards to reduce MTBE.
 - There is a federal report circulating in the Department about MTBE.
 - Attitude is that MTBE will be going away.
 - Recommend to the Department that MTBE be eliminated.

Action

- Recommend more specific points in the Council's recommendations to the Department – Add specific recommendations.
- The Department should forward the MTBE recommendations to the Department of Health so that public with wells will be notified.
- The Department should work with the Department of Health to work with people who have private wells. Pursue additional testing for private wells.
- Develop a health standard for MTBE in water – There is a federal standard but not a state standard.
- The Department should encourage the same diligence in monitoring and testing.
- The state should look into developing a standard for MTBE.
- The Department should work with Congress and Senators to eliminate MTBE.
- The Surface Water Quality Standards need to be adopted as soon as possible.

Since our meeting, EPA has decided to phase out MTBE. This only leaves the existing MTBE as an issue.

Ask Lew Neeley to expand the current recommendation.

2. State Plan

- Develop consistency between Watershed Management and the State Plan.
- All Departments should work together where possible to implement the State Plan.

Action

- **Barry Sullivan and Pat Matarazzo will draft recommendation for next meeting.**

Headwaters

The Headwaters Subgroups has developed a practical, usable definition. Tom Baxter's final report is being presented for the Council's consideration.

Comments on the Report

- Why buffer for forest? The report mentions the different types of land.
- Buffers need to be determined on a case by case basis.
- Are we safe in the definition of headwaters – should we get a legal interpretation of this definition? When we run this by the Department, they will get a legal opinion.

Action

- The Council will present the Headwater Report to the Department as written.
- The Council will ask for a response from the Department on their recommendation.
- The Council will recommend that the definition be sent to the Watershed Management Areas to provide for consistency in the areas.

NPS

- At the last meeting, everyone agreed to combine the NPS/TMDL subgroups.
- Dave Baker and Diane Alexander are the co-chairs for the group.

Legislative Update

- Executive Order 109 has been further redefined and distributed by the Department.
- Several informational sessions will be held to discuss EO 109.
- All pending plan amendments that are in the Department and have not gone for adoption will be processed under EO 109.

Action

- Executive Order 109 will be discussed at the next Council meeting.

Clean Air Council

Pat Matarazzo attended the last meeting of the CAC. There is an air deposition component of our TMDL work. We may want to bring the CAC up to date on what the Council is doing. Pat suggested that we hold a joint meeting once or twice a year with the CAC.

Pat will be receiving copies of their minutes and will circulate to the Council.

The League of Municipalities wants to public an article on MTBE. We may want to write an article in conjunction with the Clean Air Council.

CWC Website

A copy of the draft website was distributed. Mary Sue Topper, Joe Pryor, Tony McCracken and Barry Sullivan will work on the website.

Information to be included in the website:

- Past recommendations
- Meeting minutes
- Purpose/Authorizations/History Overview
- Links to the Department
- Email address
- Action video/photo/pictures of upcoming events

Other

- Conference on April 26 and 27 in Pennsylvania. Hosted by the NJ Section of American Water Resources. If you are interested in attending, please contact Tony McCracken.
- How are we going to get folks “caught up” to Watershed Management by September. All that is required by September is that we reach out to the people in the watershed management areas and try to get a leadership capacity in the areas.

Agenda for Next Meeting

- Public Hearing Recommendations
- NPS/TMDL
- Legislative Updates
- Clean Air/Clean Water
- Website

The next meeting of the Council will begin at 9:30 a.m.

**STATEWIDE WATERSHED MANAGEMENT
ADVISORY COUNCIL
Meeting Highlights
March 14, 2000**

Location

N.J. Environmental Infrastructure Trust, 3131 Princeton Pike, Lawrenceville

Attendees

See attached attendance list.

Highlights Summary

Headwaters

The Clean Water Council has accepted the definition of Headwaters. The Council will make a recommendation to the Department based on the information provided in Tom Baxter's Headwaters Report. The Council will also request feedback from the Department on their recommendation.

The Whippany TAC has the definition for Headwaters and will let us know how it works in their area.

Whippany – Lessons Learned

Sandra Cohen and Tavit Najarian provided the Council and Subcommittee with a briefing on the project in the Whippany.

The Whippany River Watershed Project was a pilot project to test the concept of watershed management. The objective was to develop a replicable process and a watershed management plan. This group of people spent seven years developing what went into the watershed management plan. There is now a standing group of municipal officials that has taken on the mission to protect the Whippany Watershed.

Lessons Learned

- There is not a perfect process. The Watershed Management Plan does not address every issue in the watershed. It focuses on key issues that can be addressed now. You have to identify new issues as part of different cycles. The watershed management process is an ongoing process. It never ends.

- Public criticism is coming from the people who did not participate in the process. Criticism is not coming from anyone who participated in the process.
- It's up to everyone who participated in the process to preach the accomplishments of the process. A replicable process includes:
 - Baseline data
 - Partnerships
 - A Watershed Management Plan with strategies that identify areas of concern
- We do make mistakes. We need to recognize them and be willing to make changes.
- There is a lot of ground work to get partners involved.
- We need to educate people of the process. Education is continuous. Partners need to do the education.
- Need a qualified Technical Advisory Committee to deal with the sound science.

Essential Elements for TMDL Determination

- Establish realistic water quality standards
- Develop a policy for assigning a flow regime
- Develop a policy for percent exceedance of standards
- Reliable water quality model
- Stakeholder pact to "divvy up" allowable load
- Reliable data on NPS quality

A TMDL cannot be determined without flow and standards.

NPS/TMDL

Dave Baker and Diane Alexander are the co-chairs for this subgroup.

- After much discussion, that included:
 1. What is the purpose of the NPS/TMDL group?
 2. How many people want to get involved in the technical aspects of TMDLs?
 3. We need to gather information from other states and other sources and we need New Jersey data.
 4. Start with a pilot project - an education program in cooperation with a sewage treatment plant (educate their users).
 5. BMPs – How do we measure? We need to set up a new evaluation process.
 6. Diffused sources? Where is the issue? Are they point source and non-point sources? Acknowledge that they are regulated.
 7. Streams with too much water – a stormwater management issue.
 8. Do we know how to fix the Urban Areas?
 9. Stormwater Utility – need to educate the Legislature.
 10. Is the appropriate planning in place?
 11. We have treatment plants and 3 other sources – agriculture, new development and existing development. What do we know about each of these categories?
 12. There is a breach between EPA and the municipal land use law.

13. Retro fitting? The Swiss have figured this out.
14. Is the money available to fix point sources? Are other sources of revenue needed?
15. A practical solution is to focus on the state plan?
16. DCA, DOT and DEP need to focus on existing development.
17. Make progress by picking one problem to solve.
18. Proceed by attacking the NPS issue along with the TMDL issue.
19. Link the technical aspects of NPS with the TMDL; Parallel course of the institutional/legislative/implementation part of NPS.

It was decided that #19 is the WHAT we should do.

- The steps include:

Identifying the critical issues (a little focus); benchmark – what else is available; what are the existing questions to ask?

Hear from DEP about the TMDL process

Hear about DEP's Municipal Stormwater Management Program

Identify a pilot project

Focus on Sector Permit process for existing statewide programs

Look at rural area stormwater also

Invite DOT to join us

Collect the data. What is it showing? Develop general model

Develop the general blueprint first

Add in the “collective intelligence” – bring key technical people together in each area

Learn from the Whippany lessons

Utilize the experience of the Passaic group

- Next meeting's agenda is attached – A BEGINNING!

NOTE: **The next meeting of the Council and Subcommittee will be held on April 18, 2000. This is a change from the original meeting date of April 11, 2000. Please mark your calendars**

